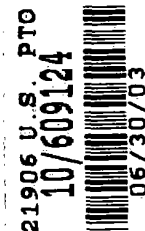




PATENT
ATTORNEY DOCKET NO.: 036870-5067-05-US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
BOX PATENT APPLICATION
2011 South Clark Place
Customer Window, Mail Stop **Patent Application**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

PRIOR APPLICATION: 09/833,055

Examiner: 1616
Group Art Unit: Alton N. Pryor

DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a Divisional patent application under 37 C.F.R. § 1.53(b), of copending prior application no. 09/833,055, filed on April 12, 2001, of:

Inventor(s): William A. KINNEY, Steven JONES, Xuehai ZHANG, Meena N. RAO,
Michel BULLIARD, Harold MECKLERY and Nancy LEE

For: ***STEREOSELECTIVE SYNTHESIS OF 24-HYDROXYLATED COMPOUNDS
USEFUL FOR THE PREPARATION OF AMINOSTEROLS, VITAMIN D
ANALOGS, AND OTHER COMPOUNDS***

2. The papers enclosed are as follows:

<u>116</u>	Page(s) of specification including
<u>0</u>	Title Page
<u>39</u>	Page(s) of claims
<u>1</u>	Page of abstract
<u>19</u>	Sheet(s) of drawings containing <u>17</u> Figures

3. Amendments

- ☒ [x] Cancel in this application original claims 19-41 and 45-53 in the enclosed copy of prior application before calculating the filing fee.
- ☐ [] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. Oath or Declaration

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration filed in prior parent application no. 09/833,055 is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:
- ☒ This is a divisional of copending
- ☒ Application No. 09/833,055, filed April 12, 2001; which is a Divisional of Application No. 08/985,576 filed on December 5, 1997 which claims priority under 35 U.S.C. 119(e) to U.S. Provisional Application No. 60/032,378 filed on December 6, 1996 incorporated herein by reference in its entirety.
- ☐ International Application No. _____ filed on _____ and which designated the U.S.

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

- ☐ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed

Certified copy(ies): ☐ is/are attached.
☐ will follow.
☐ was/were filed in prior U.S. Application No. _____ on _____.

7. Assignment

☒ Prior application no. 09/833,055 is assigned of record to Magainin Pharmaceuticals, Inc., recorded on June 25, 1998, at Reel/Frame 9273/0959.

☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

8. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$750.00 Design \$330.00
Total Claims (37 C.F.R. § 1.16(c))	21 - 20 =	1	\$ 18.00 each =	+ \$ 18.00
Independent Claims (37 C.F.R. § 1.16(b))	3 - 3 =	0	\$ 84.00 each =	+ \$ 0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$280.00	+ \$ 0.00
SUB-TOTAL =				\$ 768.00
Reduction by ½ for filing by a small entity				\$ 384.00
TOTAL FILING FEE =				\$ 384.00

9. Fee Payment

☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☐ **Authorization to Charge Deposit Acct. No. 05-0310** in the amount of **\$0.00**.

☒ The fee for extra claims under 37 C.F.R. § 1.16(d) is not being paid at this time and no authorization is given to charge our deposit account for this fee.

☒ The Commissioner is hereby authorized to charge any deficiency in the fee or credit any overpayment to Deposit Account No. 50-0310.

10. Small Entity Status is claimed and

☐ a statement claiming small entity status is enclosed, or

☒ a small entity statement was filed in the prior nonprovisional application and is still proper and desired.

11. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at **Customer Number: 009629**

12. ☐ Recognize as associate attorney _____
(name, address, and registration no.)

13. ☒ **PETITION FOR EXTENSION OF TIME**. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/833,055, filed April 12, 2001, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

14. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

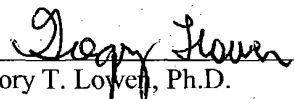
15. Additional papers enclosed:

- ☒ Information Disclosure Statement
- ☒ Form PTO-1449 (6 sheets)
- ☐ Declaration of Biological Deposit
- ☐ Submission of Sequence Listing, computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i)
- ☐ Preliminary Amendment

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



Gregory T. Lowen, Ph.D.
Reg. No. 46,882

Dated: June 30, 2003

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
202-739-3000
202-739-3001